



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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RESPONSE REQUIRED BY: May 1, 2008

Regulatory Division
1455 Market Street, CESPNR-S
San Francisco, CA 94103-1398

PROJECT MANAGER: Bob Smith

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1. INTRODUCTION: RC Peninsula Park, LLC, 650 Bair Island Road, Suite 100, Redwood City, CA 94063, (650-365-7400), through their agent, Terry Huffman of Huffman-Broadway Group (415-925-2000), has applied for a Department of the Army permit to place approximately 10 acres of fill in Waters of the U.S., to construct the Peninsula Park Project at the site of the former Peninsula Marina located on the east side of Bair Island Road, adjacent to Redwood Creek, in the City of Redwood City, San Mateo County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).

2. PROPOSED PROJECT: The Peninsula Park property, as shown in the attached drawings, is located along the east side of Bair Island Road at the site of the former Peninsula Marina in the City of Redwood City, adjacent to Redwood Creek. The existing 33.2-acre site includes 13.5 acres of open water with access to Redwood Creek and San Francisco Bay. The 420-slip Peninsula Marina was closed in November 2001. All docks and piles were removed to eliminate public safety hazards. One 2-story, and four 3-story commercial buildings and 750 parking spaces occupy approximately 16.2 acres on the southern and western portions of the Peninsula Marina property. The remaining 3+ acres are undeveloped (Figure 2 depicts existing site conditions).

Of the 33.2 acres, approximately 14.19 acres are within Corps' jurisdiction. This consists of 13.48 acres of open water in the basin of the former Peninsula Marina and its opening to Redwood

Creek, and 0.7 acre of wetlands along the shoreline of Redwood Creek and the former marina basin. Jurisdictional areas proposed for filling include 9.5 acres of open water in the former Peninsula Marina, and 0.5 acres of wetland habitat along the shoreline of the marina basin and Redwood Creek.

The proposed project, a multi-use, commercial and residential project, would include 796 residential condominium units (21.87 acres), 10,000 square feet of commercial (convenience retail and restaurant) space (0.60 acres), a 200 room hotel (2.60 acres), a community park and two overlook parks (on 2.79 acres), and a marina and canals (5.38 acres) (Figure 3).

Construction of the project would include the following components:

1. Demolition of existing on site buildings;
2. Filling 9.5 acres of the existing marina basin to accommodate new residential buildings and supporting infrastructure by driving permanent steel sheet piling around the perimeter of the reconfigured marinas and backfilling with approximately 191,000 cubic yards of clean fill material (Figure 4). Piles driven into subsurface sediments would provide additional support for building foundations;
3. Creation of a reconfigured 5.38 acre, 25-40 slip marina, and excavation of approximately 1.4 acres of channels from existing uplands to allow tidal circulation from the new marina to Redwood Creek to maintain marina water quality;

4. Raising the land surface elevations adjacent to the shoreline to 110 feet (three feet above the 100-year flood elevation of 107 feet) to provide flood protection. Erosion protection would be provided along the shoreline by placing 2,100 cubic yards of rock riprap along approximately 2,500 linear feet of shoreline from the toe of the existing slope to an elevation of 108 feet.

Proposed Mitigation: The applicant has identified two alternative sites to provide compensatory mitigation. These include two privately-owned parcels: one in the City of Redwood City in close proximity to the Bair Island portion of the Don Edwards San Francisco Bay National Wildlife Refuge, and the other adjacent to the California Fish and Game Eden Landing Ecological Reserve near the City of Hayward.

The applicant states the sites under consideration have different potential in terms of the type of wetlands habitat mitigation. Habitat options include: (1) restoration of diked historical baylands to tidal aquatic habitat (*i.e.*, salt marsh and/or fully tidal or muted-tidal water), (2) restoration of diked historical baylands to seasonal bayland marsh habitat (*i.e.*, seasonal wetlands). Restoration of tidal aquatic habitat in these man-made uplands would involve a combination breaching levees and removal of artificial fill material below the mean high water mark allowing for tidal inundation. Seasonal bay land marsh habitat would be created through removal of fill material down to original grade so as to allow for seasonal ponding and/or soil saturation. The applicant states that at this time, specific detailed mitigation plans are not available, but a plan would be prepared once the final site is selected. Once mitigation is determined to be successful, based on agency established success criteria, the site will be managed in-perpetuity by a state or federal agency, or agency approved non-profit third party. A non-wasting fund/endowment would be provided for the in-perpetuity management activities.

3. OTHER STATE AND FEDERAL PERMITS:

Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any federally listed threatened or endangered species or its designate critical habitat. The Corps has made a preliminary determination that the proposed project may affect the following listed species and their critical habitat (if applicable): the California clapper rail (*Rallus longirostris obsoletus*), salt marsh harvest mouse (*Reithrodontomys raviventris*), western snowy plover (*Charadrius alexandrinus nivosus*), California least tern (*Sterna antillarum browni*), South Central Coast Steelhead (*Oncorhynchus mykiss*), and the Chinook salmon (*Oncorhynchus tshawytscha*). This determination was based on information regarding habitat requirements of federally-listed threatened and endangered species that could occur on the project site and species-specific site assessments. In accordance with Section 7(a)(4) of the Endangered Species Act the Corps will initiate formal consultation with the USFWS and NMFS.

The Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions permitted by the agency that may adversely affect Essential Fish Habitat (EFH). This notice initiates the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would impact approximately 13.48 acres of EFH that may harbor various aquatic species associated with federally-managed fisheries in California waters.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no historic or archaeological resources are known to

occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act

Water Quality Certification - Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

4. ENVIRONMENTAL ASSESSMENT: The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting

from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Division, 1455 Market Street, San Francisco, California 94103-1398.

5. EVALUATION OF ALTERNATIVES:

Evaluation of the proposed activity's impact will include application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). The basic project purposes are housing and commercial development, which are non-water-dependent activities. The overall project purpose is to develop a multi-use, commercial/residential project, which addresses the housing shortage in Redwood City and the Peninsula, and provides "workforce" housing. An additional project purpose, marina redevelopment, is water dependent. The applicant states there is a clear public need for the project because it would address a well-documented housing shortage in Redwood City and the Peninsula and provide much-needed "workforce" housing. Toward the latter goal, RC Peninsula Park, LLC would establish a set-aside program allowing city, county, and school workers below-market pricing and a right-of-first-offer on homes as they become available.

6. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics,

general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

8. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Division, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Molly Martindale of our office at telephone 415-503-6792 or E-mail: Robert.f.smith@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.